

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Case No. 4:23-CV-00182-M-RJ

JOHN MAGYAR,

Plaintiff,

v.

LELAND C. DUDEK,
Acting Commissioner of Social Security,

Defendant.

ORDER

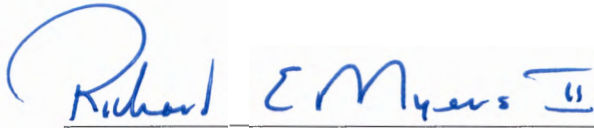
This matter comes before the court on a memorandum and recommendation (the “Recommendation”), entered in this case by Magistrate Judge Brian S. Meyers on February 11, 2025 [DE 12]. In the Recommendation, Judge Meyers recommended that the court deny Plaintiff’s brief [DE 9], grant Defendant’s brief [DE 10] and uphold the final decision of Defendant. DE 12 at 1. The Recommendation, including instructions and a deadline for filing objections, was served on the parties on February 11. *See id.* at 14-15. Neither party objected to the Recommendation. *See* Docket Entries dated February 11, 2025, to present.

A magistrate judge’s recommendation carries no presumptive weight. *See United States ex rel. Wheeler v. Acadia Healthcare Co., Inc.*, 127 F.4th 472, 486 (4th Cir. 2025). The court “may accept, reject, or modify, in whole or in part, the . . . recommendation[] . . . receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). “The Federal Magistrates Act only requires district courts to ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’” *Osmon v. United States*, 66 F.4th 144, 146 (4th Cir. 2023) (quoting 28 U.S.C. §

636(b)(1)). And “a party’s objection to a magistrate judge’s report [must] be specific and particularized.” *United States v. Midgette*, 478 F.3d 616, 621 (4th Cir. 2007). Absent a specific and timely objection, the court reviews only for “clear error” and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Meyers [DE 12] as its own. For the reasons stated therein, Plaintiff’s brief [DE 9] is DENIED, Defendant’s brief [DE 10] is GRANTED, and the final decision of Defendant is UPHeld.

SO ORDERED this 19th day of March, 2025.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE